

REMARKS/ARGUMENTS

Claims 1-9, 26-32, and 40 are currently pending in the application. Claims 10-25, 33-39 and 41-49 were previously canceled without prejudice. In the present Supplemental Amendment, claims 1 and 9 are amended. No new matter is added.

Examiner's Interview

Applicants appreciate the Examiner's time and consideration during the Telephonic Examiner's Interview held on September 17, 2009. During the Interview, Applicants' representative and Examiner Subramanian discussed independent claims 1 and 9 and the rejections under 35 U.S.C. §§101 and 112. As discussed below in more detail, Applicants have incorporated the Examiner's suggested language to overcome these rejections. However, agreement was not reached on the claims.

Claim Rejections – 35 U.S.C. §112

The Examiner rejected claims 1-9, 26-32 and 40 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Examiner indicates that "[i]n particular, claims 1 and 9 [are] rejected...because the specification does not provide a written description disclosure to support the claimed limitation of 'inputting the credit bureau data and the account information to a risk model'" (emphasis in original).

Applicants continue to disagree with the Examiner's contentions and refer to the arguments submitted in the previous Amendment (filed July 2, 2009). However, in order to further prosecution of the application, Applicants have amended claims 1 and 9 as suggested by the Examiner to recite "an algorithm that defines a risk model", as provided in the specification. Page 6, lines 12-13. Accordingly, Applicants respectfully submit that the claims are supported by the written description and request reconsideration of the rejection under 35 U.S.C. § 112, first paragraph.

During the Interview, the Examiner agreed that, in view of the previous Amendment, claims 1-8 and 40 are definite and overcome the rejection under 35 U.S.C. § 112, second paragraph.

Claim Rejections – 35 U.S.C. §101

The Examiner rejected claims 1-9, 26-32 and 40 under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

With respect to claims 1-8 and 40, during the Interview, the Examiner agreed that, in view of the previous Amendment, these claims define statutory subject matter and overcome the rejection under 35 U.S.C. § 101.

With respect to claims 9 and 26-32, Applicants continue to disagree with the Examiner's contention. However, in order to further prosecution of the application, Applicants have amended claim 9 as suggested by the Examiner to recite "a tangible computer-readable medium". Applicants respectfully submit that claims 9 and 26-32 include statutory subject matter and request reconsideration of the rejection these claims under 35 U.S.C. § 101.

As requested by the Examiner, Applicants submit that this amended language of claim 9 is supported by the specification. For example, the specification provides that "[t]he apparatus that implements the method [for evaluating a financial account applicant] is a network or system of computers and software programs resident on the computers." Page 2, lines 11-12. The specification further provides that "[t]he network also includes an application server 22 connected to the gateway server 14 and a plurality of application modules...connected to the application server 22" and that "[a]ll of the elements of the network 10 are computer systems, including both hardware and software components...." Page 3, line 26-34. In addition, the specification provides that "[w]hile the network 10 is shown as including the gateway server 14, application server 22, preliminary search database 18 and application modules...as separate linked platforms, the entire network could be integrated into a single hardware/software platform...." Page 4, lines 5-8. For at least these reasons, Applicants respectfully submit that the specification supports a tangible computer-readable medium, as provided in amended claim 9.

Claim Rejections – 35 U.S.C. §103

The Examiner rejected claims 1-9, 26-32 and 40 under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,088,686 ("Walker") in view of U.S. Patent No. 6,119,103 ("Basch"). Reconsideration of the rejections is respectfully requested.

Applicants respectfully submit that Walker and Basch, alone or in combination, do not teach or suggest the subject matter defined by independent claim 1 or by independent claim 9. Rather than re-present the arguments set forth in the previous Amendment (filed July 2, 2009), for brevity's sake, Applicants refer to the relevant arguments in that Amendment. In addition, Applicants respectfully submit that Walker and Basch, alone or in combination, do not teach or suggest inputting the credit bureau data and the historical financial account information into an

algorithm that defines a risk model, as set forth in independent claim 1 and in independent claim 9.

For at least these independent reasons, independent claims 1 and 9 and dependent claims 2-8, 26-32 and 40 are nonobvious and are allowable.

Official Notice

Applicants again respectfully disagree with the Examiner's positions with respect to "Official Notice". Rather than re-present the arguments set forth in the previous Amendment (filed July 2, 2009), for brevity's sake, Applicants refer to the relevant discussion in that Amendment.

CONCLUSION

In view of the foregoing, entry of this Supplemental Amendment and allowance of the pending claims are respectfully requested.

If additional consultation will further prosecution, the undersigned is available for telephone consultation during normal business hours.

Respectfully submitted,

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